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OFFICE OF PETITIONS

In re Application of
Ronald E. Dooley
Application No. 10/616,684
Filed: July 10, 2003
Attorney Docket No. 20008/G058A

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 28, 2006, to revive the above-identified application. The delay in responding is regretted.

The application became abandoned for failure to file a proper reply to the final Office action mailed on December 19, 2005. A Notice of Abandonment was mailed on July 20, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of a Notice of Appeal with the \$500 fee; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

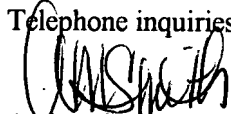
The Office acknowledges receipt of the Pre-Appeal Brief Request for Review and \$570 for a three (3) month extension of time filed on July 28, 2006. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$570 extension of time fee was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

The Power of Attorney filed on July 2, 2007 has been accepted and made of record.

This application is being referred to Technology Center Art Unit 3651, for consideration of the pre-appeal brief filed on July 28, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|------------------------|-----------------------|------------------------|
| 10/616,684 | 07/10/2003 | Ronald E. Dooley | 270600/M131B |

CONFIRMATION NO. 2570

34431
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OC000000024652659

Date Mailed: 07/03/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

for Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

ATTORNEY/APPLICANT COPY